

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

TERRY CONN, et al.,

Plaintiffs,

v.

SHERRY YATES, et al.,

Defendants.

:
:
:
:
:
:
:
:
:
:
:
:
:

Civil Action No. 14-2220 (SDW)

MEMORANDUM AND ORDER

IT APPEARING THAT:

1. Plaintiffs, Terry Conn, Ralph Waldron and Thaddeus Thomas, are civilly committed persons, pursuant to the Sexually Violent Predator Act (“SVPA”), N.J.S.A. 30:4-27.24, et seq., and presently are confined at the Special Treatment Unit, East Jersey State Prison in Rahway, New Jersey, at the time they submitted this Complaint for filing.

2. On or about April 7, 2014, Plaintiffs filed this civil rights action under 42 U.S.C. § 1983.

3. Plaintiffs failed to pay the \$350.00 filing fee. Plaintiffs also did not submit individual applications to proceed *in forma pauperis* (“IFP”), pursuant to 28 U.S.C. § 1915, as required by Local Civil Rule 54.3(a). Instead, Plaintiffs submitted one incomplete IFP application for all, which fails to provide any account statement as to each of them that would allow this Court to assess their indigency.

THEREFORE, it is on this 30th day of May, 2014;

ORDERED that Plaintiffs' request to proceed *in forma pauperis* is hereby DENIED, without prejudice; and it is further

ORDERED that the Clerk of the Court shall administratively terminate this case, without filing the complaint or assessing a filing fee; Plaintiffs are informed that administrative termination is not a "dismissal" for purposes of the statute of limitations, and that if the case is reopened, it is not subject to the statute of limitations time bar if it was originally filed timely, *see Jenkins v. Superintendent of Laurel Highlands*, 705 F.3d 80, 84 n.2 (2013) (describing prisoner mailbox rule generally); *Dasilva v. Sheriff's Dept.*, 413 F. App'x 498, 502 (3rd Cir. 2011) ("[The] statute of limitations is met when a complaint is submitted to the clerk before the statute runs"); and it is further

ORDERED that the Clerk of the Court shall send each Plaintiff a blank form application to proceed *in forma pauperis*; and it is further

ORDERED that if Plaintiffs wish to reopen this case, each Plaintiff shall so notify the Court, in writing addressed to the Clerk of the Court, Martin Luther King Building & U.S. Courthouse, 50 Walnut Street, Room 4015, Newark, New Jersey 07101, within 30 days of the date of entry of this Order; Plaintiffs' writing shall include either (1) a complete, signed *in forma pauperis* application, including a certified institutional account statement, as to each of them, or (2) the \$350 filing fee; and it is further

ORDERED that upon receipt of a writing from Plaintiffs stating that they wish to reopen this case, and either a complete *in forma pauperis* application as to each of them or payment of the filing fee within the time allotted by this Court, the Clerk of the Court will be directed to reopen this case; and it is finally

ORDERED that the Clerk of the Court shall serve a copy of this Order upon each Plaintiff by regular U.S. mail.

s/ Susan D. Wigenton
SUSAN D. WIGENTON
United States District Judge